



Rep. Sidney H. Mathias

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LRB094 08385 NHT 45011 a

1 AMENDMENT TO HOUSE BILL 978

2 AMENDMENT NO. _____. Amend House Bill 978 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 2-3.12, 3-14.20, and 3-14.21 and by adding Section 3-14.20a as
6 follows:

7 (105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)

8 Sec. 2-3.12. School building code. To prepare for school
9 boards with the advice of the Department of Public Health, the
10 Capital Development Board, and the State Fire Marshal a school
11 building code that will conserve the health and safety and
12 general welfare of the pupils and school personnel and others
13 who use public school facilities.

14 The document known as "Efficient and Adequate Standards for
15 the Construction of Schools" applies only to temporary school
16 facilities, new school buildings, and additions to existing
17 schools whose construction contracts are awarded after July 1,
18 1965. On or before July 1, 1967, each school board shall have
19 its school district buildings that were constructed prior to
20 January 1, 1955, surveyed by an architect or engineer licensed
21 in the State of Illinois as to minimum standards necessary to
22 conserve the health and safety of the pupils enrolled in the
23 school buildings of the district. Buildings constructed
24 between January 1, 1955 and July 1, 1965, not owned by the

1 State of Illinois, shall be surveyed by an architect or
2 engineer licensed in the State of Illinois beginning 10 years
3 after acceptance of the completed building by the school board.
4 Buildings constructed between January 1, 1955 and July 1, 1955
5 and previously exempt under the provisions of Section 35-27
6 shall be surveyed prior to July 1, 1977 by an architect or
7 engineer licensed in the State of Illinois. The architect or
8 engineer, using the document known as "Building Specifications
9 for Health and Safety in Public Schools" as a guide, shall make
10 a report of the findings of the survey to the school board,
11 giving priority in that report to fire safety problems and
12 recommendations thereon if any such problems exist. The school
13 board of each district so surveyed and receiving a report of
14 needed recommendations to be made to improve standards of
15 safety and health of the pupils enrolled has until July 1,
16 1970, or in case of buildings not owned by the State of
17 Illinois and completed between January 1, 1955 and July 1, 1965
18 or in the case of buildings previously exempt under the
19 provisions of Section 35-27 has a period of 3 years after the
20 survey is commenced, to effectuate those recommendations,
21 giving first attention to the recommendations in the survey
22 report having priority status, and is authorized to levy the
23 tax provided for in Section 17-2.11, according to the
24 provisions of that Section, to make such improvements. School
25 boards unable to effectuate those recommendations prior to July
26 1, 1970, on July 1, 1980 in the case of buildings previously
27 exempt under the provisions of Section 35-27, may petition the
28 State Superintendent of Education upon the recommendation of
29 the Regional Superintendent for an extension of time. The
30 extension of time may be granted by the State Superintendent of
31 Education for a period of one year, but may be extended from
32 year to year provided substantial progress, in the opinion of
33 the State Superintendent of Education, is being made toward
34 compliance. ~~However, for fire protection issues, only one~~

1 ~~one year extension may be made, and no other provision of this~~
2 ~~Code or an applicable code may supersede this requirement.~~ For
3 routine inspections, the State Fire Marshal or local fire
4 officials to whom the State Fire Marshal has delegated his or
5 her authority shall notify the regional superintendent of
6 schools, the district superintendent, and ~~provide written~~
7 ~~notice to~~ the principal of the school in advance to schedule a
8 mutually agreed upon time for the fire safety check. However,
9 no more than 2 routine inspections may be made in a calendar
10 year.

11 Within 2 years after the effective date of this amendatory
12 Act of 1983, and every 10 years thereafter, or at such other
13 times as the State Board of Education deems necessary or the
14 regional superintendent so orders, each school board subject to
15 the provisions of this Section shall again survey its school
16 buildings and effectuate any recommendations in accordance
17 with the procedures set forth herein. An architect or engineer
18 licensed in the State of Illinois is required to conduct the
19 surveys under the provisions of this Section and shall make a
20 report of the findings of the survey titled "safety survey
21 report" to the school board. The school board shall approve the
22 safety survey report, including any recommendations to
23 effectuate compliance with the code, and submit it to the
24 Regional Superintendent. The Regional Superintendent shall
25 render a decision regarding approval or denial and submit the
26 safety survey report to the State Superintendent of Education.
27 The State Superintendent of Education shall approve or deny the
28 report including recommendations to effectuate compliance with
29 the code and, if approved, issue a certificate of approval.
30 Upon receipt of the certificate of approval, the Regional
31 Superintendent shall issue an order to effect any approved
32 recommendations included in the report. Items in the report
33 shall be prioritized. Urgent items shall be considered as those
34 items related to life safety problems that present an immediate

1 hazard to the safety of students. Required items shall be
2 considered as those items that are necessary for a safe
3 environment but present less of an immediate hazard to the
4 safety of students. Urgent and required items shall reference a
5 specific rule in the code authorized by this Section that is
6 currently being violated or will be violated within the next 12
7 months if the violation is not remedied. The school board of
8 each district so surveyed and receiving a report of needed
9 recommendations to be made to maintain standards of safety and
10 health of the pupils enrolled shall effectuate the correction
11 of urgent items as soon as achievable to ensure the safety of
12 the students, but in no case more than one year after the date
13 of the State Superintendent of Education's approval of the
14 recommendation. Required items shall be corrected in a timely
15 manner, but in no case more than 5 years from the date of the
16 State Superintendent of Education's approval of the
17 recommendation. Once each year the school board shall submit a
18 report of progress on completion of any recommendations to
19 effectuate compliance with the code. For each year that the
20 school board does not effectuate any or all approved
21 recommendations, it shall petition the Regional Superintendent
22 and the State Superintendent of Education detailing what work
23 was completed in the previous year and a work plan for
24 completion of the remaining work. If in the judgement of the
25 Regional Superintendent and the State Superintendent of
26 Education substantial progress has been made and just cause has
27 been shown by the school board, the petition for a one year
28 extension of time may be approved.

29 As soon as practicable, but not later than 2 years after
30 the effective date of this amendatory Act of 1992, the State
31 Board of Education shall combine the document known as
32 "Efficient and Adequate Standards for the Construction of
33 Schools" with the document known as "Building Specifications
34 for Health and Safety in Public Schools" together with any

1 modifications or additions that may be deemed necessary. The
2 combined document shall be known as the "Health/Life Safety
3 Code for Public Schools" and shall be the governing code for
4 all facilities that house public school students or are
5 otherwise used for public school purposes, whether such
6 facilities are permanent or temporary and whether they are
7 owned, leased, rented, or otherwise used by the district.
8 Facilities owned by a school district but that are not used to
9 house public school students or are not used for public school
10 purposes shall be governed by separate provisions within the
11 code authorized by this Section.

12 The 10 year survey cycle specified in this Section shall
13 continue to apply based upon the standards contained in the
14 "Health/Life Safety Code for Public Schools", which shall
15 specify building standards and fire safety standards for
16 buildings that are constructed prior to the effective date of
17 this amendatory Act of 1992 and for buildings that are
18 constructed after that date.

19 The "Health/Life Safety Code for Public Schools" shall be
20 the governing code for public schools; however, the provisions
21 of this Section shall not preclude inspection of school
22 premises and buildings pursuant to Section 9 of the Fire
23 Investigation Act, provided that the provisions of the
24 "Health/Life Safety Code for Public Schools", or such
25 predecessor document authorized by this Section as may be
26 applicable are used, and provided that those inspections are
27 coordinated with the Regional Superintendent having
28 jurisdiction over the public school facility. Nothing in this
29 Section shall be construed to prohibit the State Fire Marshal
30 or a qualified ~~a~~ local fire official to whom the State Fire
31 Marshal has delegated his or her authority ~~department, fire~~
32 ~~protection district, or the Office of the State Fire Marshal~~
33 from conducting a fire safety check in a public school. A
34 "qualified local fire official" means a person who is certified

1 by the International Code Council as an International Fire Code
2 plan reviewer or inspector or who is certified as a Fire
3 Inspector by the Office of the State Fire Marshal. Upon being
4 notified by the State Fire Marshal or the local a fire official
5 that corrective action must be taken to resolve a violation,
6 the school board, in cooperation with the State Fire Marshal or
7 the local fire official, shall develop a plan to correct the
8 violation ~~take corrective action within one year.~~ However,
9 violations that present imminent danger must be addressed
10 immediately.

11 Any agency having jurisdiction beyond the scope of the
12 applicable document authorized by this Section may issue a
13 lawful order to a school board to effectuate recommendations,
14 and the school board receiving the order shall certify to the
15 Regional Superintendent and the State Superintendent of
16 Education when it has complied with the order.

17 The State Board of Education is authorized to adopt any
18 rules that are necessary relating to the administration and
19 enforcement of the provisions of this Section. The code
20 authorized by this Section shall apply only to those school
21 districts having a population of less than 500,000 inhabitants.
22 (Source: P.A. 92-593, eff. 1-1-03.)

23 (105 ILCS 5/3-14.20) (from Ch. 122, par. 3-14.20)

24 Sec. 3-14.20. Building plans and specifications. To
25 inspect the building plans and specifications, including but
26 not limited to plans and specifications for ~~the~~ heating,
27 ventilating, lighting, seating, water supply, toilets, and
28 electrical work to ensure the safety against fire of occupants
29 in public school rooms and buildings submitted to him by school
30 boards, and to approve all those which comply substantially
31 with the building code authorized in Section 2-3.12.

32 For purposes of this Section:

33 "Certified inspector" means a person acting on behalf of a

1 municipality or county who has no contractual interest in the
2 project and who meets one of the following requirements:

3 (1) Holds certification by the International Code
4 Council as a Commercial Building Inspector.

5 (2) Holds certification as a State plumbing inspector
6 under the Illinois Plumbing License Law.

7 (3) Holds State licensure as a design professional.

8 "Certified plan reviewer" means a person acting on behalf
9 of a municipality or county who has no contractual interest in
10 the project and who meets one of the following requirements:

11 (1) Holds certification by the International Code
12 Council as a Commercial Buildings Plan Examiner.

13 (2) Holds licensure as a plumbing inspector under the
14 Illinois Plumbing License Law.

15 (3) Holds State licensure as a design professional.

16 If a municipality or, in the case of an unincorporated
17 area, a county wishes to be notified of plans and
18 specifications received by a regional office of education for
19 any future construction or alteration, then the municipality or
20 county must register this wish with the regional superintendent
21 of schools and at this time must submit a copy of the
22 credentials of its certified inspector or certified plan
23 reviewer that he or she needs to meet the definition of
24 certified inspector or certified plan reviewer under this
25 Section. Within 10 days after the regional superintendent of
26 schools receives the plans and specifications from a school
27 board and prior to the bidding process, he or she shall notify
28 the registered municipality or county where the school that is
29 being constructed or altered lies that plans and specifications
30 have been received. If the municipality or county requests a
31 review of the plans and specifications, then the school board
32 shall submit a copy of the plans and specifications to the
33 municipality or county. A certified plan reviewer for the
34 municipality or county may comment in writing on the plans and

1 specifications based on the building code authorized in Section
2 2-3.12 of this Code, referencing the specific code where a
3 discrepancy has been identified, and respond back to the
4 regional superintendent of schools within 15 working days after
5 a copy of the plans and specifications have been received or,
6 if needed for plan review, such additional time as agreed to by
7 the regional superintendent of schools. This review must be at
8 no direct or indirect cost to the school district.

9 If a certified inspector for the municipality or county
10 wishes to inspect the actual school construction or alteration,
11 he or she must set up an initial pre-construction meeting with
12 the regional superintendent of schools, outlining the
13 inspection schedule and construction reviews. The regional
14 superintendent of schools shall then notify the school
15 district. The certified inspector shall respond to the regional
16 superintendent of schools in writing with any comments at the
17 completion of each inspection. These comments shall be based on
18 the building code authorized in Section 2-3.12 of this Code.
19 These inspections shall be done at no direct or indirect cost
20 to the school district. ~~The local fire department or fire~~
21 ~~protection district where the school is being constructed or~~
22 ~~altered may request a review of the plans and specifications.~~
23 ~~The regional superintendent of schools shall submit a copy of~~
24 ~~the plans and specifications within 10 business days after the~~
25 ~~request. The fire department or fire protection district may~~
26 ~~comment on the plans and specifications based on the building~~
27 ~~code authorized in Section 2-3.12 of the Code and, if any~~
28 ~~corrective action must be taken, shall respond to the regional~~
29 ~~superintendent of schools within 15 days after receipt of the~~
30 ~~plans and specifications. The Office of the State Fire Marshal~~
31 ~~may review the plans and specifications at the request of the~~
32 ~~fire department or fire protection district. The review must be~~
33 ~~conducted at no cost to the school district.~~

34 If such plans and specifications are not approved or denied

1 approval by the regional superintendent of schools within 3
2 months after the date on which they are submitted to him or
3 her, the school board may submit such plans and specifications
4 directly to the State Superintendent of Education for approval
5 or denial.

6 (Source: P.A. 92-593, eff. 1-1-03.)

7 (105 ILCS 5/3-14.20a new)

8 Sec. 3-14.20a. Fire safety review of building plans and
9 specifications. To ensure the safety of children against fire
10 in public school rooms and buildings by having the State Fire
11 Marshal or his or her designee review the building plans and
12 specifications for any school buildings being constructed or
13 altered before the bidding process. Within 10 business days
14 after the regional superintendent of schools receives plans and
15 specifications under Section 3-14.20 of this Code, he or she
16 shall contact the State Fire Marshal. The State Fire Marshal
17 shall direct the regional superintendent to send a copy of the
18 plans and specifications to the State Fire Marshal or his or
19 her designee. The State Fire Marshal or his or her designee
20 shall review the plans and specifications and provide the
21 regional superintendent with a written response of its review
22 within 15 business days after receipt of the plans and
23 specifications. The review shall be based on the fire safety
24 code authorized in Section 2-3.12 of this Code. The written
25 response shall inform the regional superintendent that the
26 plans and specifications comply with the fire safety code or
27 identify the changes that are required for the plans to comply
28 with the fire safety code, referencing the specific code
29 section where a discrepancy has been identified. If the
30 regional superintendent concurs with the State Fire Marshal's
31 or his or her designee's required changes, the regional
32 superintendent shall require the plans and specifications to be
33 amended by the design professional and returned to the State

1 Fire Marshal or his or her designee for approval.

2 The State Fire Marshal or his or her designee may inspect
3 the actual construction or alteration by contacting the
4 regional superintendent of schools. The regional
5 superintendent shall contact the school district and arrange
6 for the inspection. Should the inspection reveal any
7 non-compliance with the building plans and specifications, the
8 regional superintendent shall be notified so that he or she may
9 take corrective action with the school board.

10 The State Fire Marshal may delegate its authority to review
11 plans and specifications and conduct inspections under this
12 Section to a qualified local fire official, as defined in
13 Section 2-3.12 of this Code, who provides fire protection
14 services to the school building. A qualified fire department
15 shall be deemed to be the State Fire Marshal's designee for
16 purposes of this Section.

17 The State Fire Marshal, in cooperation with the State Board
18 of Education, shall adopt any rules that are necessary to
19 administer this Section.

20 The plan review and inspection under this Section shall be
21 done at no direct or indirect cost to the school district.

22 (105 ILCS 5/3-14.21) (from Ch. 122, par. 3-14.21)

23 Sec. 3-14.21. Inspection of schools.

24 (a) The regional superintendent shall inspect and survey
25 all public schools under his or her supervision and notify the
26 board of education, or the trustees of schools in a district
27 with trustees, in writing before July 30, whether or not the
28 several schools in their district have passed the annual fire
29 safety inspection required under subsection (c) of this Section
30 and have been kept as required by law, using forms provided by
31 the State Board of Education which are based on the Health/Life
32 Safety Code for Public Schools adopted under Section 2-3.12.
33 The regional superintendent shall report his or her findings to

1 the State Board of Education on forms provided by the State
2 Board of Education.

3 (b) If the regional superintendent determines that a school
4 board has failed in a timely manner to correct urgent items
5 identified in a previous life-safety report completed under
6 Section 2-3.12 or as otherwise previously ordered by the
7 regional superintendent or has failed in a timely manner to
8 correct violations identified in the annual fire safety
9 inspection conducted under subsection (c) of this Section, the
10 regional superintendent shall order the school board to adopt
11 and submit to the regional superintendent a plan for the
12 immediate correction of the building violations. This plan
13 shall be adopted following a public hearing that is conducted
14 by the school board on the violations and the plan and that is
15 preceded by at least 7 days' prior notice of the hearing
16 published in a newspaper of general circulation within the
17 school district. If the regional superintendent determines in
18 the next annual inspection that the plan has not been completed
19 and that the violations have not been corrected, the regional
20 superintendent shall submit a report to the State Board of
21 Education with a recommendation that the State Board withhold
22 from payments of general State aid due to the district an
23 amount necessary to correct the outstanding violations. The
24 State Board, upon notice to the school board and to the
25 regional superintendent, shall consider the report at a meeting
26 of the State Board, and may order that a sufficient amount of
27 general State aid be withheld from payments due to the district
28 to correct the violations. This amount shall be paid to the
29 regional superintendent who shall contract on behalf of the
30 school board for the correction of the outstanding violations.

31 (c) The State Fire Marshal or his or her designee shall
32 conduct an annual fire safety inspection of each school
33 building in this State. The State Fire Marshal or his or her
34 designee shall coordinate its inspection with the regional

1 superintendent of schools. The inspection shall be based on the
2 fire safety code authorized in Section 2-3.12 of this Code. Any
3 violations shall be reported to the regional superintendent and
4 the school board in writing, referencing the specific code
5 section where a discrepancy has been identified. The school
6 board, in cooperation with the State Fire Marshal or his or her
7 designee, shall develop a plan to correct any fire safety
8 violations. The regional superintendent shall address such
9 violations that are not corrected in a timely manner pursuant
10 to subsection (b) of this Section.

11 The State Fire Marshal may delegate its authority to
12 conduct fire safety inspections to a qualified local fire
13 official, as defined in Section 2-3.12 of this Code, who
14 provides fire protection services to the school building. A
15 qualified fire department shall be deemed to be the State Fire
16 Marshal's designee for purposes of this Section.

17 The State Fire Marshal, in cooperation with the State Board
18 of Education, shall adopt any rules necessary to administer
19 this subsection (c).

20 The inspection under this subsection (c) shall be done at
21 no direct or indirect cost to the school district.

22 (Source: P.A. 90-464, eff. 8-17-97.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."